

Ct. No.1 D/L 12
SM 27.02.2025

WPA(P) 35 of 2025

**Sailen Mishra
Versus
The State of West Bengal & Ors.**

Mr. Habibur Rahaman, Adv.
Mr. Archishman Singh, Adv.

...For the Petitioner

Mr. Anirban Ray, G.P.
Mr. Sk. Md. Galib, Sr. Govt. Adv.
Ms. Sujata Mukherjee, Adv.

...For the State

Mr. Uttam Kr. Mandal, Adv.
Ms. Maitree Roy, Adv.

...For the Respondent No.12

1. Affidavit-of-service filed by the petitioner is taken on record.
2. The petitioner alleges that the private respondent No.12 has encroached into a land which was allotted for the school.
3. The learned senior government counsel has produced written instruction signed by the Block Development Officer, Manbazar-1 Development Block, Manbazar in the district of Purulia, dated 4th February, 2025, along with certain annexures. One of such annexures is a letter written by the Head Teacher/Teacher-in-Charge of Pairachati Primary School under Manbazar-III Circle to the District Inspector of School, Purulia District, 5th respondent stating that the school is situated in a land measuring 0.35 acre in plot Nos.3310 and 3311 but no record about the land of school is found in the office of the Block Land and Land Reforms Officer. Further, the

letter states that there are some private individuals who are putting up construction near the school but it is not clearly mentioned whether those have been constructed on the school block as there is no demarcation on boundary land.

4. The learned advocate for the private respondent submitted that the forefather of the private respondent had given the said land for the purpose of construction of the school.
5. However, action can be initiated only after demarcation is being done. This has to be done by the Block Land and Land Reforms Officer, 9th respondent in consultation with the District Inspector of Schools, namely, the 5th respondent. Before fixing the date for inspection the Head Teacher/Teacher-in-Charge of Pairachati Primary School should also be served notice and an appropriate survey be conducted and the petitioner shall also be informed about the date of survey. The private respondent is entitled to produce all documents of title in respect of the land which is said to be owned by them. After conducting the survey the Block Land and Land Reforms Officer shall clearly demarcate the boundary of the school and upon such demarcation the District Inspector of School, Purulia District, 5th respondent shall draw up a proposal for putting up a boundary wall around the said school campus for which the District Magistrate, Purulia, 3rd

Respondent shall sanction the requisite funds. The exercise of demarcation and marking of boundaries shall be completed within a period of 8 weeks from the date of receipt of server copy of the order.

6. With the above observations, the writ petition is disposed of.

(T.S. Sivagnanam)
Chief Justice

[Chaitali Chatterjee (Das), J.]